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7 *Attorneys for Defendants*  
*Officer Menly, Officer Okolovich,*  
8 *SERT Office Neville, SERT Officer Kelsey*  
*and Sheriff Joseph Lombardo*  
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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 JAMES SHARKEY,

13 Plaintiff,

14 vs.

15 STATE OF NEVADA, et al.

16 Defendants.  
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CASE NO.: 2:18-cv-00025-KJD-BNW

**EMERGENCY MOTION TO EXTEND  
THE TIME TO RESPOND TO  
PLAINTIFF JAMES SHARKEY'S  
COMPLAINT**

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19 Defendants Officer Menly, Officer Okolovich, SERT Office Neville, SERT Officer  
20 Kelsey and Sheriff Joseph Lombardo (the "LVMPD Defendants"), by and through their counsel,  
21 Kaempfer Crowell, file this emergency motion to extend the deadline to respond to Plaintiff  
22 James Sharkey's Complaint from August 2, 2019 to August 16, 2019, which is two weeks from  
23 the date to respond to the complaint and the date of filing this motion. This emergency motion is  
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1 based on Lyssa Anderson's declaration and the following Memorandum of Points and  
2 Authorities.

3 **DECLARATION OF LYSSA ANDERSON**

4 Lyssa Anderson declares as follows:

5 1. My office received Plaintiff James Sharkey's complaint in case number 2:18-cv-  
6 00025-KJD-BNW against my clients today, August 2, 2019.

7 2. I am informed and believe that LVMPD's general counsel's office just received  
8 the complaint today as well.

9 3. It appears that the complaint was served on the Clark County Detention Center  
10 which delayed LVMPD's general counsel's ability to promptly handle it.

11 4. There are several issues that need to be addressed with the complaint along with a  
12 thorough review of the screening orders in this case.

13 5. I am filing this motion on an emergency basis so that these issues can be resolved  
14 without any adverse action being taken against my clients for not responding to Plaintiff's  
15 complaint today.

16 6. Plaintiff James Sharkey will be affected by this motion and his address is:

17 P.O. Box 208  
18 Indian Springs NV 89070

19 7. It was not practicable to notify Plaintiff of this motion because, as mentioned, I  
20 just learned of this complaint today. Moreover, Plaintiff is a prisoner in the custody of the  
21 Nevada Department of Corrections and I know based on experience that contacting prisoners on  
22 short notice is very difficult if not impossible.

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1 8. Nonetheless, I do not foresee this extension prejudicing Plaintiff at all because it  
2 is merely a two week extension to respond to this complaint.



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Lyssa Anderson

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Las Vegas Metropolitan Police Department (“LVMPD”) just received the Plaintiff’s  
“Supplemental Civil Rights Complaint” and forwarded the complaint to counsel today.  
However, the U.S. Marshalls apparently served the complaint on the Clark County Detention  
Center (“CCDC”) instead of LVMPD headquarters on July 12, 2019, making the time to respond  
to the complaint August 2, 2019—today. Since the complaint had been served at the wrong  
location, LVMPD was not aware of its existence until today when the complaint was brought to  
LVMPD’s office of general counsel.

To make matters more complicated, CCDC may have accepted service of the complaint  
on behalf of co-defendant Naphcare, an entity which is separate from CCDC and which has its  
own legal counsel. It is unclear whether Naphcare is aware of this lawsuit and LVMPD will  
require time to sort this issue out. Moreover, LVMPD has no record of employing Officer  
Menly, who apparently “accepted” service of the complaint. There is obviously an error  
somewhere in filing or accepting service of this complaint and LVMPD requests time to sort this  
issue out as well.

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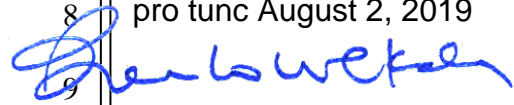
1 Because LVMPD headquarters received the complaint today and there are service issues  
2 with Naphcare and "Officer Menly", LVMPD requests the court extend the time to respond to  
3 the complaint to August 16, 2019.

4 DATED this 2<sup>nd</sup> day of August, 2019.

5 KAEMPFER CROWELL

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7 IT IS SO ORDERED.

8 DATED: August 8, 2019, nunc  
9 pro tunc August 2, 2019



10 United States Magistrate Judge

By: /s/ Lyssa S. Anderson

LYSSA S. ANDERSON (Nevada Bar No. 5781)  
RYAN W. DANIELS (Nevada Bar No. 13094)  
1980 Festival Plaza Drive, Suite 650  
Las Vegas, Nevada 89135

*Attorneys for Defendants*  
*Officer Menly, Officer Okolovich,*  
*SERT Office Neville, SERT Officer Kelsey*  
*and Sheriff Joseph Lombardo*

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13 **CERTIFICATE OF SERVICE**

14 I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I  
15 caused the foregoing **MOTION TO EXTEND THE TIME TO RESPOND TO PLAINTIFF**  
16 **JAMES SHARKEY'S COMPLAINT** to be served via CM/ECF and/or First Class Mail (where  
17 indicated) addressed to the following:

18 James Sharkey, #1195216  
19 PO Box 2 08  
Indian Spring s, NV 89070

20 ***Plaintiff, Pro Se***

21 *(Via U.S., First Class Mail)*

22 DATED this 2<sup>nd</sup> day of August, 2019.

23 /s/ Gina Muscari

24 an employee of Kaempfer Crowell